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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/732,965 | 12/11/2003 | Thomas Gregory Triebes | 18,502 | 9226 |

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| EXAMINER | |
|---|---|
| STAICOVICI, STEFAN | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 1732 | |

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/732,965 | TRIEBES ET AL. | |
| | Examiner | Art Unit | |
| | Stefan Staicovici | 1732 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *08 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/4/04;10/19/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: *IDS: 3/7/05;3/17/05;8/8/05*.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8, 10 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Wise (US Patent No. 4,755,158).

Regarding claim 1, Wise ('158) teaches the claimed process for making a fiber reinforced elastomeric article including, providing a mold, dipping said mold into a coagulant bath that provides a tacky surface onto said mold, spraying a plurality of chopped fibers onto pre-selected areas that stick to said coagulant, dipping said mold into a latex bath at least twice and drying said latex to form said elastomeric article (see col. 3, lines 14-48).

In regard to claim 8, Wise ('158) teaches spraying a plurality of chopped fibers onto pre-selected areas of a coagulant coated mold. It is submitted that spraying occurs in a random direction due to the turbulent nature of the spraying process.

Specifically regarding claim 10, Wise ('158) teaches spraying a plurality of chopped fibers onto pre-selected areas, hence it is submitted that other areas do not include fibers.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2-7, 9 and 11-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise (US Patent No. 4,755,158) in view of Close *et al.* (US Patent No. 6,811,638 B2).

Wise ('158) teaches the basic claimed process as described above.

Regarding claim 2, 11, 13-14 and 19, although Wise ('158) teaches spraying a plurality of chopped fibers, Wise ('158) does not teach spraying melt-blown fibers, wherein said fibers are tacky. Close *et al.* ('638) teach that melt-blow fibers are formed by extruding a thermoplastic material through a plurality of capillaries into a high velocity hot gas to form filaments and depositing said filaments onto a collecting surface (mold surface) (see col. 2, lines 37-48). It is submitted that said melt-blown fibers are tacky when being deposited because of the applied heat. That softens said thermoplastic material. Therefore, it would have been obvious for one of ordinary skill to spray melt-blown fibers as taught by Close *et al.* ('638) in the process of Wise ('158) because of known advantages that melt-blow fibers provide such as versatile characteristics and ease of operation and also because, Wise ('158) teaches spraying a plurality of chopped fibers, hence suggesting the tacky, melt-blown fibers of Close *et al.* ('638).

In regard to claims 3, 5, 7, 15 and 16, Wise ('158) teaches spraying said fibers after dipping said mold in a coagulant, dipping said mold into said latex bath after spraying said fibers

and dipping said mold into a latex bath at least twice and drying said latex to form said elastomeric article (see col. 3, lines 14-48).

Specifically regarding claims 4 and 6, whether spraying the fibers occurs prior to dipping the mold into the coagulant or after said dipping does not appear to have any unexpected results. Further, whether spraying the fibers occurs prior to dipping the mold into the latex bath or after said dipping does not appear to have any unexpected results. It has been shown in MPEP §2144.04(IV)(C) that "selection of any order of performing process steps is prima facie obvious in the absence of new or unexpected results." Therefore, it would have been obvious for one of ordinary skill in the art to have sprayed the fibers occurs prior to dipping the mold into the coagulant and also to have sprayed the fibers occurs prior to dipping the mold into the latex bath in the process of Wise ('158) in view of Close *et al.* ('638) due to a variety of factors such as type of materials, arrangement of production line and lack of any unexpected results as required under MPEP §2144.04(IV)(C).

Regarding claim 9, Wise ('158) does not teach depositing said fibers onto said mold in an aligned orientation. However, spraying fibers in an aligned orientation is well known as evidenced by Close *et al.* ('638) who teach spraying melt-blown fibers onto a mold surface, wherein said fibers are sprayed in an aligned orientation (see col. 17, lines 28-33). Therefore, it would have been obvious for one of ordinary skill to spray melt-blown fibers in an aligned orientation as taught by Close *et al.* ('638) in the process of Wise ('158) because of known advantages that alignment provides such as improved tear resistance and also because, Close *et*

*al.* ('638) teach that oriented fibers provide for improved retraction characteristics, hence providing for an improved product.

In regard to claim 12, Wise ('158) teaches spraying flock material onto a latex coating (see col. 3, lines 37-40).

In regard to claims 17 and 18, although Wise ('158) teaches spraying a plurality of chopped fibers, Wise ('158) does not teach spraying multiple streams of fibers, including a stream of wood pulp fibers. Close *et al.* ('638) teach providing a first stream of melt-blown fibers and a second stream of pulp fibers, combining said first and second streams and directing said combined stream to a mold surface (see col. 12, lines 25-40). Therefore, it would have been obvious for one of ordinary skill in the art to provide a first stream of melt-blown fibers and a second stream of pulp fibers, and to have combined said first and second streams as taught by Close *et al.* ('638) in the process of Wise ('158) because Close *et al.* ('638) teach that wood pulp fibers provide for improved properties by tailoring properties to given applications, hence providing for a more versatile product and also because, Wise ('158) teaches spraying a plurality of chopped fibers, hence suggesting the fibers of Close *et al.* ('638).

Specifically regarding claims 20-21, Wise ('158) teaches an industrial fiber reinforced glove (paddling glove) (see title).

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wise (US Patent No. 4,755,158) in view of Close *et al.* (US Patent No. 6,811,638 B2) and in further view of Harmon (US Patent No. 5,137,032).

Wise ('158) in view of Close *et al.* ('638) teach the basic claimed process as described above.

Regarding claim 22, although Wise ('158) in view of Close *et al.* ('638) teach an elastomeric article, specifically a glove, Wise ('158) in view of Close *et al.* ('638) do not teach a condom. However, fiber reinforced condoms are well known as evidenced by Harmon ('032) who teach a fiber reinforced latex condom (see col. 6, lines 33-55). Therefore, it would have been obvious for one of ordinary skill in the art to have molded the condom of Harmon ('032) using the process of Wise ('158) in view of Close *et al.* ('638) because, Wise ('158) in view of Close *et al.* ('638) teach an efficient process for molding fiber reinforced latex products, whereas teach a fiber reinforced latex condom, hence suggesting the process of Wise ('158) in view of Close *et al.* ('638) due to similar materials.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Staicovici, Ph.D. whose telephone number is (571) 272-1208. The examiner can normally be reached on Monday-Friday 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni, can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stefan Staicovici, PhD

Stefan Staicovici

Primary Examiner 3/3/06

AU 1732

March 3, 2006